

CLOSED,TYPE I-FOIA

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:17-cv-00947-CRC**

YU v. INTERNAL REVENUE SERVICE  
Assigned to: Judge Christopher R. Cooper  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/19/2017  
Date Terminated: 05/14/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****PHILIP YU**

represented by **Matthew C. Hicks**  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant****INTERNAL REVENUE SERVICE**

represented by **Sean Paul O'Donnell**  
U.S. DEPARTMENT OF JUSTICE  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/19/2017	<u>1</u>	COMPLAINT against INTERNAL REVENUE SERVICE ( Filing fee \$ 400 receipt number 0090-4958959) filed by PHILIP YU. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons DC US Attorney, # <u>5</u> Summons DC US Attorney General, # <u>6</u> Summons IRS)(Hicks, Matthew) (Entered: 05/19/2017)
05/19/2017		Case Assigned to Judge Christopher R. Cooper. (md) (Entered: 05/20/2017)
05/20/2017	<u>2</u>	SUMMONS (3) Issued Electronically as to INTERNAL REVENUE SERVICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 05/20/2017)
06/06/2017	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/24/2017. Answer due for ALL FEDERAL DEFENDANTS by 6/23/2017. (Hicks, Matthew) (Entered: 06/06/2017)
06/06/2017	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/30/2017. (Hicks, Matthew) (Entered: 06/06/2017)
06/06/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. INTERNAL REVENUE SERVICE served on 5/30/2017 (Hicks, Matthew) (Entered: 06/06/2017)
06/22/2017	<u>6</u>	Partial MOTION to Dismiss <i>Claim for Expedition Proceedings</i> by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of

		Proposed Order)(O'Donnell, Sean) Modified to add on 6/23/2017 (td). (Entered: 06/22/2017)
07/06/2017	<u>7</u>	Memorandum in opposition to re <u>6</u> MOTION to Dismiss <i>Claim for Expeditious Proceedings</i> filed by PHILIP YU. (Attachments: # <u>1</u> Text of Proposed Order)(Hicks, Matthew) (Entered: 07/06/2017)
07/13/2017	<u>8</u>	REPLY to opposition to motion re <u>6</u> MOTION to Dismiss <i>Claim for Expeditious Proceedings</i> filed by INTERNAL REVENUE SERVICE. (O'Donnell, Sean) (Entered: 07/13/2017)
08/17/2017		MINUTE ORDER: Defendant's Partial Motion <u>6</u> to Dismiss for failure to state a claim for expedited proceedings is hereby DENIED. Plaintiff's request to expedite proceedings in the case appears in the Complaint as a prayer for relief, rather than a legally cognizable "claim." And to the extent there was any ambiguity on this point, Plaintiff has resolved it by explaining that his only claim for relief is the production of the documents called for in his FOIA request. Opp'n at 1. Plaintiff may move for expedited proceedings upon a showing of good cause under 28 U.S.C. § 1657, as he sees fit. See <i>Freedom Communications, Inc. v. FDIC</i> , 157 F.R.D. 485, 487 (C.D. Cal. 1994) ("In general terms, it appears to be proper for a party to move for expedited processing under [section 1657]."). Meanwhile, the Court further orders that the Defendant file an Answer within 10 days of this Order. Signed by Judge Christopher R. Cooper on 8/17/2017. (lccrc2) Modified on 8/18/2017 (zlsj). (Entered: 08/17/2017)
08/26/2017	<u>9</u>	ANSWER to Complaint by INTERNAL REVENUE SERVICE.(O'Donnell, Sean) (Entered: 08/26/2017)
08/28/2017		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. Since the requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure do not apply, it is hereby ORDERED that the parties shall confer and file a joint proposed schedule for briefing or disclosure by 9/12/2017. Signed by Judge Christopher R. Cooper on 8/28/2017. (lccrc2) (Entered: 08/28/2017)
08/28/2017		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 9/12/2017 (lsj) (Entered: 08/28/2017)
09/12/2017	<u>10</u>	PROPOSED BRIEFING SCHEDULE by INTERNAL REVENUE SERVICE (O'Donnell, Sean) Modified event title on 9/13/2017 (znmw). (Entered: 09/12/2017)
09/15/2017		MINUTE ORDER: In light of <u>10</u> the parties' Proposed Briefing Schedule, the Court hereby enters the following production schedule in this case: Defendant shall make an initial production of responsive documents to Plaintiff on or before October 15, 2017, and a subsequent production on or before November 15, 2017. The parties shall file a joint status report by November 29, 2017 advising the Court of the status of production. Signed by Judge Christopher R. Cooper on 9/15/2017. (lccrc2) (Entered: 09/15/2017)
09/15/2017		Set/Reset Deadlines: Joint Status Report due by 11/29/2017 (lsj) (Entered: 09/15/2017)
11/29/2017	<u>11</u>	Joint STATUS REPORT by INTERNAL REVENUE SERVICE. (O'Donnell, Sean) (Entered: 11/29/2017)
11/30/2017		MINUTE ORDER: In light of <u>11</u> the parties' joint status report, it is ORDERED that Defendant shall make rolling productions of responsive, non-exempt records to Plaintiff on December 1, 2017, January 15, 2018, and February 16, 2018. It is further ORDERED that the parties shall file a joint status report by March 2, 2018 addressing the status of production and, if necessary, proposing a briefing schedule. Signed by Judge Christopher R. Cooper on 11/30/2017. (lccrc2) (Entered: 11/30/2017)
12/01/2017		Set/Reset Deadlines: Joint Status Report due by 3/2/2018 (lsj) (Entered: 12/01/2017)
02/28/2018	<u>12</u>	Joint STATUS REPORT by INTERNAL REVENUE SERVICE. (O'Donnell, Sean) (Entered: 02/28/2018)
03/05/2018		MINUTE ORDER: In light of <u>12</u> the parties' joint status report, the parties are directed to file a further joint status report by April 23, 2018 proposing a further production schedule and, if necessary, a briefing schedule. Signed by Judge Christopher R. Cooper on 3/5/2018. (lccrc2) (Entered: 03/05/2018)

03/05/2018		Set/Reset Deadlines: Joint Status Report due by 4/23/2018 (lsj) (Entered: 03/05/2018)
04/23/2018	<u>13</u>	Joint STATUS REPORT by INTERNAL REVENUE SERVICE. (O'Donnell, Sean) (Entered: 04/23/2018)
04/25/2018		MINUTE ORDER: In light of <u>13</u> the parties' joint status report, it is ORDERED that Defendant shall make two further rolling productions, by May 23, 2018 and by June 22, 2018. The parties shall file a further joint status report by August 10, 2018 updating the Court on the status of the case and, if necessary, proposing a briefing schedule. Signed by Judge Christopher R. Cooper on 4/25/2018. (lccrc2) (Entered: 04/25/2018)
04/25/2018		Set/Reset Deadlines: Joint Status Report due by 8/10/2018 (lsj) (Entered: 04/25/2018)
08/10/2018	<u>14</u>	Joint STATUS REPORT by INTERNAL REVENUE SERVICE. (O'Donnell, Sean) (Entered: 08/10/2018)
08/13/2018		MINUTE ORDER: In light of <u>14</u> the parties' joint status report, the parties are directed to file a further joint status report by September 28, 2018 updating the Court on the status of the case and proposing a schedule for briefing if necessary. Signed by Judge Christopher R. Cooper on 8/13/2018. (lccrc2) (Entered: 08/13/2018)
08/13/2018		Set/Reset Deadlines: Joint Status Report due by 9/28/2018 (lsj) (Entered: 08/13/2018)
09/28/2018	<u>15</u>	Joint STATUS REPORT by INTERNAL REVENUE SERVICE. (O'Donnell, Sean) (Entered: 09/28/2018)
10/29/2018	<u>16</u>	Joint STATUS REPORT by INTERNAL REVENUE SERVICE. (O'Donnell, Sean) (Entered: 10/29/2018)
10/29/2018		MINUTE ORDER: In light of the parties' <u>16</u> joint status report, the parties shall provide an updated joint status report on or before December 12, 2018, to include a proposed briefing schedule should one be necessary. Signed by Judge Christopher R. Cooper on 10/29/2018. (lccrc2) (Entered: 10/29/2018)
10/30/2018		Set/Reset Deadlines: Joint Status Report due by 12/12/2018 (lsj) (Entered: 10/30/2018)
12/12/2018	<u>17</u>	Joint STATUS REPORT by INTERNAL REVENUE SERVICE. (O'Donnell, Sean) (Entered: 12/12/2018)
12/12/2018		MINUTE ORDER: In light of the parties' <u>17</u> joint status report, the parties shall file an updated joint status report, to include any necessary briefing schedule, by January 29, 2019. In the event that the parties are unable to reach an agreement on their disputes or propose a briefing schedule for their resolution by the date of their next status report, the parties shall appear for a status conference on January 31, 2019 at 10:00 a.m. in Courtroom 27A. Signed by Judge Christopher R. Cooper on 12/12/2018. (lccrc2) (Entered: 12/12/2018)
12/13/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 1/29/2019. Status Conference set for 1/31/2019 at 10:00 AM in Courtroom 27A before Judge Christopher R. Cooper. (lsj) (Entered: 12/13/2018)
01/29/2019	<u>18</u>	Joint STATUS REPORT by INTERNAL REVENUE SERVICE. (O'Donnell, Sean) (Entered: 01/29/2019)
01/29/2019		MINUTE ORDER: In light of the parties' <u>18</u> joint status report, the parties shall file an updated joint status report on or before March 5, 2019, including a proposed briefing schedule if necessary. The Court hereby continues the status conference scheduled for January 31, 2019 to March 7, 2019 at 2:00 p.m., to be held in the event that the parties are unable to resolve their disputes or propose a briefing schedule for their resolution by March 5, 2019. Signed by Judge Christopher R. Cooper on 1/29/2019. (lccrc2) (Entered: 01/29/2019)
01/29/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 3/5/2019. Status Conference reset for 3/7/2019 at 2:00 PM in Courtroom 27A before Judge Christopher R. Cooper. (lsj) (Entered: 01/29/2019)
03/05/2019	<u>19</u>	STATUS REPORT by INTERNAL REVENUE SERVICE. (O'Donnell, Sean) (Entered: 03/05/2019)

03/05/2019	<u>20</u>	STATUS REPORT by PHILIP YU. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Hicks, Matthew) (Entered: 03/05/2019)
03/06/2019		MINUTE ORDER: After reviewing the parties' separately filed status reports, the Court will adopt the following briefing schedule for the resolution of the remaining disputes: Defendant's motion for summary judgment is due on or before April 19, 2019; Plaintiff's combined opposition and cross-motion for summary judgment is due on or before May 10, 2019; Defendant's combined reply and opposition is due on or before May 24, 2019; and Plaintiff's reply in support of its cross-motion is due on or before May 31, 2019. The Defendant shall file its Vaughn index and any supporting declarations together with its initial motion for summary judgment. Furthermore, and in light of this schedule, the status conference scheduled for March 7, 2019 is hereby vacated. Signed by Judge Christopher R. Cooper on 3/6/2019. (lccrc2) (Entered: 03/06/2019)
04/17/2019	<u>21</u>	MOTION for Extension of Time to File <i>and to Modify Briefing Schedule</i> by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(O'Donnell, Sean) (Entered: 04/17/2019)
04/19/2019		MINUTE ORDER granting <u>21</u> Defendant's Motion for Extension of Time to File its motion for summary judgment. All briefing deadlines shall be extended by five business days, as follows: Defendant's motion for summary judgment will be due on or before April 26, 2019; Plaintiff's opposition and cross-motion will be due on or before May 17, 2019; Defendant's reply and opposition will be due on or before May 31, 2019; and Plaintiff's reply will be due on or before June 7, 2019. Signed by Judge Christopher R. Cooper on 4/19/2019. (lccrc2) (Entered: 04/19/2019)
04/19/2019		Set/Reset Deadlines: Summary Judgment motions due by 4/26/2019. Response to Motion for Summary Judgment due by 5/17/2019. Cross Motions due by 5/17/2019. Reply to Motion for Summary Judgment due by 5/31/2019. Response to Cross Motions due by 5/31/2019. Reply to Cross Motions due by 6/7/2019. (znbn) (Entered: 04/19/2019)
04/26/2019	<u>22</u>	MOTION for Summary Judgment by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Undisputed Material Facts, # <u>3</u> Text of Proposed Order, # <u>4</u> Declaration of Han Huang, # <u>5</u> Ex. A, Vaughn Index, # <u>6</u> Declaration of Carmen Banerjee, # <u>7</u> Declaration of Mark Cottrell, # <u>8</u> Declaration of Karen Lepore, # <u>9</u> Declaration of Pamela Love, # <u>10</u> Declaration of Jolanta Rachowicz)(O'Donnell, Sean) (Entered: 04/26/2019)
05/14/2019	<u>23</u>	STIPULATION of Dismissal <i>with Prejudice</i> by INTERNAL REVENUE SERVICE. (O'Donnell, Sean) (Entered: 05/14/2019)